

(1993) 09 NCDRC CK 0031

In the National Consumer Disputes Redressal Commission

MRS. KALAISELVI

APPELLANT

Vs

SENIOR BRANCH MANAGER, L.I.C. OF INDIA

RESPONDENT

Date of Decision : 29-09-1993

Acts Referred:

Citation : 1994 2 CPJ 176

Hon'ble Judges : S.A.Kader , R.N.Manickam , Ramani Mathuranayagam J.

Final Decision : Appeal allowed

Judgement

1. THE appeal is directed against the order of the District Consumer Disputes Redressal Commission, Salem dated 16.6.93 in O.P. 86/91. THE complainant who has succeeded in part is the appellant.

2. THE complainant's husband late P. Sella-muthu had taken a policy of insurance with the Opp. Party for a sum of Rs. 50,000/-. He died on 29.9.89 and the complainant as his wife and nominee claimed the amount. But the Opp. Party by his letter dated 19.9.91 repudiated the claim on the ground that the insured had suppressed the material facts in the proposal. Hence this complaint. THE Opp. Party contended that there was suppression of material facts Why the insured and hence the claim was rightly rejected. The District Forum rejected the contention of the Opp. Party and held that there was deficiency of service and negligence on the part of the Opp. Party and directed the Opp. Party to pay to the complainant, the policy amount of Rs. 50,000/-, compensation of Rs. 5,000/- and costs of Rs. 300/-. The Forum below did not allow interest on the policy amount and it is for his purpose, the appeal has been filed.

The District Forum have found that there was deficiency of service and negligence on the part of the Opp. Party in not settling the claim ought to have awarded interest on the policy amount. We hold therefore the complainant is entitled to get interest on the policy amount of Rs.50,000/- at 12% p.a. from the date of the claim till payment.

3. IN the result, the appeal is allowed, the order of the District Forum is modified

and we hold that the complainant is entitled to interest on the policy amount of Rs. 50,000/- from the date of the claim till payment, in addition to relief's already awarded by the District Forum. No costs, in this appeal. Appeal allowed.